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COMMISSION ON HUMAN RIGHTS

Forty-sixth session

SUMMARY RECORD OF THE 31st MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 20 February 1990, at 10 a.m.

Chairman:	Mrs. QUISUMBING	(Philippines)
later:	Ms. SINEGIORGIS	(Ethiopia)
	Mr. DITCHEV	(Bulgaria)

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The meeting was called to order at 10.40 a.m.

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES, INCLUDING:

(a) QUESTION OF HUMAN RIGHTS IN CYPRUS

(agenda item 12) (E/CN.4/1990/5, 21, 22 and Add.1, 25-28, 51, 52, 55, 57, 60-63, 69 and 70; E/CN.4/1990/NGO/1, 3, 9, 10, 15, 19, 23-27, 31, 32, 34, 35, 40 and 53-55; A/44/526, 573, 620, 622, 635, 669 and 671)

Report by the Commission's Special Rapporteur on the situation of human rights in Afghanistan (E/CN.4/1990/25)

1. Mr. ERMACORA (Special Rapporteur on the situation of human rights in Afghanistan), introducing his report, which supplemented the interim report he had submitted to the General Assembly in November 1989, said it contained information collected during his recent visit to Pakistan and Afghanistan in January 1990. It was the sixth such report that he had submitted to the Commission on Human Rights.

2. In keeping with his usual approach, he had paid two visits to the area, the first in September 1989 to Pakistan and Afghanistan and in October 1989 to the Islamic Republic of Iran. The findings were reflected in his interim report to the General Assembly (A/44/669). He had then visited Pakistan and Afghanistan again in January 1990 in order to gather updated information for the report currently before the Commission (E/CN.4/1990/25). The report reflected his own personal views, of course, but he had endeavoured to inform the Commission as impartially and objectively as possible.

3. He expressed his gratitude for the full co-operation he had received during the two visits from the Governments of Afghanistan, the Islamic Republic of Iran and Pakistan, and he also thanked the United Nations High Commissioner for Refugees (UNHCR), the Office of the Co-ordinator for United Nations Humanitarian and Economic Assistance Programmes relating to Afghanistan and the International Committee of the Red Cross (ICRC) for their assistance.

4. The hope that, once Soviet troops had been withdrawn, stability would return to the region had not been fulfilled, and peace in Afghanistan had not been restored. On the contrary, the armed conflict had intensified, causing the death of many civilians. Despite the political and humanitarian efforts of the United Nations, a number of Governments and non-governmental organizations, human rights continued to be violated. The reasons were primarily of a political nature, the political situation having reached a deadlock. On the one hand, there was a Government trying to maintain its hold on power by any means and, on the other, opposition forces that were striving to overthrow that Government.

5. The refugee situation in Afghanistan continued to be an enormous human rights problem. He acknowledged the efforts of the Government of Afghanistan to facilitate the return of the refugees. Many facilities had been made available, and a large proportion of the budget had been set aside for the

purpose. However, even assuming that 250,000 refugees had returned to their homes, there were still more than 5 million abroad. Of particular note was the large number of children, currently estimated at 400,000, who had been born while their parents were living in exile outside Afghanistan.

6. The conditions under which the refugees lived were far from satisfactory, and many economic, social and educational problems had arisen over the years. In particular, following the withdrawal of the Soviet troops, international assistance had begun to decrease. That had had an adverse effect on the daily life of the refugees. He repeated the appeal made in previous reports not to stop international aid.

7. As mentioned in the report (para. 19), he had been informed that the Islamic Republic of Iran had submitted a plan to the Parliament to assemble all Afghan refugees in camps along the Afghan border, but he had subsequently been informed by the Iranian authorities that the plan had not been approved. While it was certainly necessary to register refugees, it was essential to uphold the spirit of the right of asylum and to respect the Convention relating to the Status of Refugees.

8. The human rights situation in Afghanistan was still governed by the exceptional circumstances. Although the state of emergency proclaimed in 1989 had not had any particular effect on human rights, the Government was not very liberal in its dealings with political opponents, even if it did not use force. In that connection, he had been informed that, in October 1989, the authority of the National Assembly as enshrined in article 81 (1) of the Constitution which had been delegated to the Council of Ministers under the state of emergency had, by presidential decree, been transferred back to the National Assembly, which had, in fact, continued to be active throughout the state of emergency. As a consequence, restrictions on human rights could be imposed only by law.

9. Since the beginning of the national reconciliation process, 17,000 prisoners had been released under various amnesty decrees. During that same period, the number of political prisoners had been estimated at about 3,000. A broad interpretation was given to "crimes against State security", which formed the legal grounds for the arrest and conviction of persons charged with political offences. It was most regrettable that some well-known intellectuals had fallen victim to that interpretation. The ICRC had visited convicted prisoners in Kabul and in the provinces, but that had not included detainees awaiting trial. Since the latter were the most vulnerable, that was a situation which required particular attention.

10. The human rights situation was adversely affected by the armed conflict, which continued in many areas of the country. Villages and cities were the target of aerial bombing and rocket attacks by both sides, and many regions remained battlefields or no man's land. In particular, the conflict had caused suffering to the wounded, who were to be found in hospitals in Afghanistan and Pakistan. The fighting had been accompanied by a disregard for humanitarian law, and all parties to the conflict must be compelled to respect minimum standards in that area. The opposition forces were not exempt from humanitarian obligations.

11. The use of bombs and rockets against civilians was certainly a form of warfare that was not permitted under humanitarian law. It was his impression that rockets fired by opposition forces struck the civilian population more often than military targets. Newly arrived refugees in Pakistan had expressed their anxiety about such attacks.

12. Disregard for humanitarian law was, unfortunately, a feature of warfare. Whereas his earlier reports had contained indications of violations of humanitarian law by the occupation forces, he was currently receiving reports of atrocities committed by the combatants of the opposition movements.

13. Uncertainty also persisted concerning the fate of the Afghan and Soviet prisoners held by opposition forces, which refused to submit to inspection by international organizations. Inspection of prisons or detention camps was mandatory. Impartiality towards prisoners of both sides was a humanitarian imperative.

14. Many refugees had not returned home because of their fear of minefields. New mines were clearly being laid by both sides, and although the Government of Afghanistan seemed willing to contribute to a solution of that problem by providing the United Nations with minefield maps, it did not appear that the opposition movements possessed any such maps. As long as that problem remained unresolved and the conflict continued, it would be difficult to reconstruct the country.

15. On the basis of conversations he had held with many political figures inside and outside Afghanistan, he had concluded that a political solution to the conflict was part and parcel of the process of self-determination. Inside Afghanistan, a Society for National Salvation had been formed, comprising persons who were not members of the single official party. They had rightly stated that the creation of an atmosphere of dialogue was of the utmost importance. With the help of the United Nations machinery, a dialogue without pre-conditions could and must be initiated on bringing about a peaceful solution.

16. If his mandate were renewed, he hoped that, by its conclusion, he would be able to recommend that the Commission accept a final report on the situation of human rights in Afghanistan at its forty-seventh session.

17. Mr. MARKIDES (Cyprus) said that, for more than 15 years, the Republic of Cyprus and its people had been suffering in a situation that constituted a grave breach of international law as well as a violation of all existing codes and conventions for the respect of human rights, including both of the International Covenants on Human Rights and the European Convention on Human Rights. That state of affairs was the result of the military invasion of the Republic of Cyprus by Turkey in 1974 and the seizure by force and occupation of almost 40 per cent of the Republic's territory by Turkish armed forces, territory that was still occupied by Turkey.

18. As a consequence, a virtually impermeable military line artificially dividing Cyprus in two, segregated the island's Greek-Cypriot community - 82 per cent of the population - from the Turkish-Cypriot community, the remaining 18 per cent, the two communities that had lived intermingled before

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the 1974 invasion. Forced to flee from their homes and abandon their belongings in 1974, the Greek Cypriots were prevented from returning. In the occupied territory, there had been a concerted effort to change the demographic balance, with a large-scale transfer of settlers from Turkey. Cultural and religious monuments had been extensively pillaged and desecrated.

19. Turkey continued to refuse to remove its troops from Cyprus, despite the many resolutions by the Security Council and the General Assembly, the Council of Europe, the non-aligned movement and the Commonwealth. Similarly, the rulings of the European Commission of Human Rights that Turkey had violated fundamental articles of the European Convention on Human Rights, both during and after the 1974 invasion, had fallen on deaf ears. Turkey had also failed to comply with the resolutions of the United Nations Commission on Human Rights and other relevant resolutions.

20. His Government was doing its utmost to put an end to that unacceptable situation and to promote a peaceful and just settlement. To that end, it fully supported the good-offices mission of the Secretary-General aimed at finding a viable and lasting solution that would safeguard the independence, sovereignty, territorial integrity, unity and non-alignment of the Republic of Cyprus and protect the human rights of all Cypriots. The renewed effort of the Secretary-General was faced with difficulties, however, the other side having refused to accept even minimum standards of human rights.

21. The Secretary-General had called a further meeting in New York to discuss the completion of a draft outline agreement on a federal Cyprus settlement. Such an agreement was already long overdue, the two sides having agreed to move ahead with the completion of a draft in June 1989. To assist them, the Secretary-General had put forward a set of non-binding ideas. Unfortunately, the Turkish side had promptly rejected those ideas and interrupted the talks. His side had promptly accepted the Secretary-General's latest invitation, and it was to be hoped that the Turkish side, which was reported to have ultimately accepted the invitation, would adopt a more flexible and conciliatory attitude at the talks. Much would depend on the stand of the Turkish Government, which had so far supported the positions of the Turkish-Cypriot side.

22. The Commission should continue to concern itself with the restoration and respect of the rights and freedoms of the people of Cyprus as a whole, which was a prerequisite for any solution to the Cyprus problem.

23. Grave violations of human rights persisted in Cyprus. The most alarming aspect was the systematic colonization of the occupied part of Cyprus by the massive implantation of thousands of illegal settlers transferred from Turkey with the aim of consolidating the status quo and modifying the demographic structure of Cyprus. Ironically, according to the so-called "constitution" of the occupied territory, the settlers might become "citizens", whereas the Greek-Cypriot refugees who had been forcibly expelled from the occupied territory were referred to as "aliens".

24. The settlers in the occupied part of Cyprus together with the Turkish army of 35,000 currently outnumbered the Turkish-Cypriot community, which had been reduced to 80,000 as against more than 120,000 in 1974. The Turkish Cypriots were being gradually forced to leave their country because of increasing unemployment and oppression by the Anatolian settlers.

25. Another reason for the transfer of settlers to Cyprus was that Turkey did not trust the Turkish Cypriots and was therefore attempting to distort the expression of their will: it had been revealed only a few days previously by the Turkish-Cypriot press that settlers had secretly been increased in numbers, to 80,000, so that they could change the outcome of the pending "elections". Turkish-Cypriot resistance to the settlers had been mounting.

26. The attempt to modify the demographic structure of the occupied part of Turkey had been criticized by the Secretary-General, who had warned in one of his recent reports to the Security Council that such action could prejudice efforts to help the parties negotiate an overall solution; it had also been condemned by the Heads of State or Government of Non-Aligned Countries meeting at Belgrade in September 1989 and by the Commonwealth summit at Kuala Lumpur in October 1989.

27. Another tragic aspect of the continuing violations of human rights in Cyprus was the case of enclaved persons who were being gradually forced to leave their homes, their number having decreased to 639 as opposed to the 22,000 who had remained after the massive forced expulsion of almost 200,000 Greek Cypriots in 1974.

28. All Greek-Cypriot refugees had been deprived of their homes, their belongings, their savings and their livelihoods. Houses and business premises belonging to Greek Cypriots had been looted on an organized basis. As of late, the occupying Power had even begun illegally to distribute titles to properties belonging to Greek Cypriots to persons other than their lawful owners.

29. One of the most tragic aspects of the continuing violations of human rights in Cyprus was the question of missing persons, which had not been dealt with in a satisfactory manner. His Government continued to press for effective functioning of the Committee on Missing Persons in Cyprus (CMP) and would continue to co-operate with it in the hope of solving that purely humanitarian issue as soon as possible.

30. A solution to the Cyprus problem was feasible, but the Turkish side must accept basic human rights and democratic rule. At a time when Europe was making rapid strides towards integration and confrontation the world over was giving way to conciliation, it was tragic that, in Cyprus, people should be dispossessed of their property and face barriers to their freedom of movement under a system of ethnic discrimination imposed and maintained by armed force.

31. A viable and just Cyprus settlement could not be based on a system of apartheid, under which Cypriots were forcibly segregated on the grounds that Muslims and Christians, or people of Turkish origin and of Greek origin, could not live together. Such segregation contradicted Turkey's own policy of seeking membership of and integration with the European Community.

32. Peace and stability called for a federal settlement based on a philosophy of unity, not division. His delegation was committed to a united, federal Cyprus republic consisting of two provinces, one to be administered by the Turkish-Cypriot community and the other by the Greek-Cypriot community, free of foreign troops and settlers and protected against unilateral intervention. Such a Republic must guarantee full respect for human rights and the security of all Cypriots, regardless of ethnic origin or creed.

33. The international community had rightly declared that the status quo could not be a solution to the Cyprus problem, because it was not only unjust and violated human rights, but was also dangerous for the people of Cyprus and the stability of the region.

34. United Nations resolutions on Cyprus, particularly Security Council resolutions 541 (1983) and 550 (1984) condemning the purported secession of the occupied territory of Cyprus and demanding its reversal, as well as the resolutions of the Commission itself must be fully implemented if the Cyprus problem was to be settled.

35. Ms. Sinegiorgis (Ethiopia) took the Chair.

36. Mr. ROA KOURI (Cuba) said that the Commission had, for the past 14 years, been considering the question of human rights in Cyprus, thus reflecting not only the world community's constant concern in that regard but also the extent to which there was a causal relationship between the use of force in international relations and mass violations of basic human rights, the constant human rights violations in Cyprus being a natural outcome of the continued foreign military presence.

37. His delegation had made clear, in many international forums, its Government's view that the restoration of the human rights and fundamental freedoms of the entire Cypriot population was an integral part of any global solution. Such a solution could only be a negotiated one, based on the tenets of international law, the withdrawal of foreign military forces and recognition of the two communities' respective rights.

38. Two especially alarming features of the current situation, both linked to the foreign military presence, were the introduction of foreign settlers and the denial of the right of all Cypriots to travel freely in their country. Likewise distressing was the continued uncertainty about the fate of the many missing persons.

39. The Heads of State or Government of Non-Aligned Countries, at their Ninth Conference, had called for the immediate withdrawal of all occupation forces and recent settlers, the voluntary return of refugees to their homes, prompt tracing of all missing persons and respect for the human rights and fundamental freedoms of all Cypriots. His delegation endorsed that call and rejected the secession of the territories currently under foreign control. It hoped that the Secretary-General would pursue his good-offices mission and continue to call on all interested parties to co-operate in seeking a solution based on the independence, sovereignty, territorial integrity and non-aligned status of the Republic of Cyprus.

40. Mr. SHARMA (India) said that the partition of any country was a tragedy. For many years, Cypriots had suffered from being made refugees in their own land. His Government fully supported the unity, independence, territorial integrity and non-aligned status of Cyprus, and stood firmly for the restoration and safeguarding of the human rights of all Cypriots. As could be seen from the Secretary-General's report (E/CN.4/1990/21), the condition of the Cypriot people had not changed for the better. Some progress had been made as a result of the resumed intercommunal dialogue, in that both sides had tabled certain proposals; his delegation sincerely hoped that the forthcoming talks would benefit from the statesmanship and good will that had made the dialogue possible in the first place.

41. The Heads of State or Government of Non-Aligned Countries, at their most recent Conference, had inter alia extended full support to the Secretary-General's efforts and had appealed to all parties to co-operate fully with him; they had also called for an immediate withdrawal of occupation forces and settlers, the voluntary return of refugees and respect for all Cypriots' human rights and fundamental freedoms.

42. The human rights problem in Cyprus could be resolved only on the basis of the country's unity, sovereignty and independence. His Government supported the continuation of the Secretary-General's good-offices mission, which it hoped would speedily bear fruit.

43. Mrs. EKONG (Nigeria) said that recent positive developments in international politics, resulting in the mitigation of crisis and conflict, were propitious for renewed efforts to solve the Cyprus problem. To that task her delegation attached particular importance, since Nigeria shared with Cyprus membership of both the Commission and the non-aligned movement. Moreover, her Government continued to work, in the context of the Commonwealth Action Group on Cyprus, in support of the Secretary-General's efforts towards a peaceful solution.

44. Her delegation welcomed the discussion between the Secretary-General and the two community leaders (E/CN.4/1990/21, para. 4), and hoped that the disappointing interruption of the talks was temporary only. Sustained and substantial intercommunal dialogue, guided by good will and good faith, was needed for a just and peaceful solution.

45. Her delegation fully agreed with the Secretary-General that a basis for effective negotiations did exist, given good will and recognition that a viable solution must satisfy both communities' legitimate interests; it fully supported his efforts to that end, and called on all Member States to co-operate with him. It also called for full implementation of Security Council resolutions 541 (1983) and 550 (1984) and urged the five permanent members of the Security Council to redouble their efforts.

46. There were several critically important requirements: continued trust by all parties, particularly those directedly involved, in the Secretary-General's mediatory role; unswerving commitment to a negotiated solution; the speedy withdrawal of all foreign forces and settlers, the return of refugees and the tracing of and accounting for missing persons; and full respect for all Cypriots' human rights.

47. Attempts to settle any part of Varosha by people other than its inhabitants, or to alter the country's demographic structure, were illegal and would retard the peace process.

48. Her delegation commended the work of UNFICYP, including its humanitarian role in fostering contacts among separated families as well as its support for the Secretary-General's good-offices mission.

49. The Commission should continue to accord maximum priority to the Cyprus question, especially during the current auspicious period in international affairs. The United Nations mediatory role was a crucial one, and it was essential that both sides to the conflict should show vision, statesmanship, courage and accommodation. Her Government would support the peace process in any possible way.

50. Mr. ANDREEV (Bulgaria) said that his Government had always supported the Cypriot people's legitimate efforts to safeguard the sovereignty, independence, territorial integrity, unity and non-aligned status of their country. It supported the Secretary-General's good-offices mission; at the same time, it remained gravely concerned about the presence of foreign troops in and the continuing influx of settlers into the island, the lack of respect for the country's cultural heritage, the violation of the human rights of the Cypriots in the occupied territory and the fate of the missing persons.

51. The withdrawal, as a matter of urgency, of the occupation troops was a prerequisite for the Cypriot people's enjoyment of human rights. The improved international climate provided an opportunity for renewed efforts and hope for a viable and lasting solution to the problem, based on the relevant United Nations resolutions. To that end, the Soviet Union's initiative on the convening of an international conference was more valid than ever and his delegation hoped that the idea would receive growing support.

52. Mr. JAZIC (Yugoslavia) said he reiterated his Government's full support, voiced also by the Heads of State or Government of Non-Aligned Countries at their Ninth Conference, for the independence, sovereignty, unity, territorial integrity and non-aligned status of the Republic of Cyprus. At that Conference the Heads of State or Government had welcomed the meetings between the President of the Republic of Cyprus and the leader of the Turkish Cypriot community, stressing the need for intercommunal talks as the only means of achieving a just solution by peaceful means, and had expressed regret at the lack of progress towards a draft agreement.

53. The human rights situation in Cyprus had not improved over the past year, despite a better international climate in general. It was to be hoped, however, that a just, practical solution, involving the withdrawal of all occupation forces and settlers, the voluntary return of refugees, the repeal of all unilateral separatist actions, restraint from efforts to change the country's demographic structure, and respect for all Cypriots' human rights and fundamental freedoms, would eventually be reached. The non-aligned countries' Contact Group on Cyprus would actively support the Secretary-General's efforts and the intercommunal talks; and the Commission should insist on the implementation of its resolution 1987/50.

54. Mr. RASAPUTRAM (Sri Lanka) said that, although many years had elapsed without any permanent solution being found for the question of Cyprus, the current improved international climate appeared conducive to renewed efforts. His delegation particularly welcomed the recent meeting between the two community leaders; sustained and substantial dialogue was the best way to reach a just solution by peaceful means. At the heart of the problem was the continued presence in Cyprus of foreign forces, despite requests by the United Nations, particularly in Security Council resolutions 541 (1983) and 550 (1984), and recent declarations by the non-aligned movement and the Commonwealth. The demographic imbalance being caused by the influx of settlers was a further complication.

55. It was essential that the persons displaced as a result of the country's division should be allowed to return home in safety; it was also important to account for persons missing as a result of the ethnic dislocations. His delegation called for the restoration and respect of all Cypriots' human rights

and fundamental freedoms, including freedom of movement and settlement. It urged full implementation of the relevant Assembly, Security Council and Commission resolutions. It supported the Secretary-General's good-offices mission and urged all parties involved to co-operate with him constructively.

56. Mr. KOUTCHINSKI (Ukrainian Soviet Socialist Republic) said that, unfortunately the human rights situation in Cyprus had not changed substantially and remained unsatisfactory. He recalled that, in its most recent resolution on the subject (1987/50), the Commission had reiterated its previous calls for the full restoration of all human rights to the population of Cyprus, in particular to the refugees. The Commission had described as illegal any attempts to settle any part of Varosha by people other than its inhabitants. It had also called for the tracing of and accounting for missing persons in Cyprus without any further delay and for the restoration and respect of the human rights and fundamental freedoms of all Cypriots, including freedom of movement, freedom of settlement and the right to property. All those violations of human rights were the result of interference by external forces in the internal affairs of Cyprus.

57. In his delegation's view, the full restoration of human rights in Cyprus was possible only through the settlement of all aspects of the Cypriot problem by political, legal and humanitarian means.

58. Whatever means of peaceful settlement were chosen, the most effective guarantees of ensuring human rights and the restoration of stability in that part of the world must be the following measures. First, general recognition of the status of the Republic of Cyprus as a single non-aligned State, the sovereignty of which extended to its entire territory. Secondly, rejection of any outside interference and any attempts to split the Republic of Cyprus in any form whatever. Thirdly, withdrawal of all foreign troops from the territory of the Republic. Fourthly, demilitarization of the island with the consent of the legitimate Government of the Republic of Cyprus. Lastly, the main condition for resolving the problem of Cyprus and ensuring fully the human rights of the people of that country was that all questions concerning the internal structure of the Government of Cyprus should be resolved by the Cypriots themselves.

59. His delegation welcomed the efforts being made to develop a dialogue between the parties concerned, in particular the two communities living on the island. In August 1988, the leaders of the Greek and Turkish communities had accepted the good offices of the Secretary-General and entered into intercommunal talks, a process which should not be discontinued.

60. An important factor for a definitive settlement of the problem of Cyprus might be a conference held under the auspices of the United Nations at which international guarantees could be worked out to protect the Republic of Cyprus from any external interference and ensure the full restoration and protection of the human rights of the Cypriot population.

61. His delegation was in favour of broad and constructive co-operation between all members of the international community with a view to extinguishing by political means hotbeds of tension and conflict on a just and durable basis. All States - large and small - and international organizations, first and foremost the United Nations, could make an important contribution to that noble cause.

62. Mr. BEZABIH (Ethiopia) said that, despite the encouraging international climate, a number of serious problems in the world still remained unresolved. The problem of Cyprus was one such. The question had been discussed within the United Nations for over a quarter of a century and the Organization had adopted a number of decisions and resolutions unequivocally supporting the sovereignty, independence and territorial integrity of Cyprus. Those decisions had repeatedly reaffirmed the urgent need to settle the question of Cyprus by peaceful means in accordance with the Charter and relevant resolutions of the General Assembly and Security Council.

63. The United Nations position on the question of Cyprus enjoyed widespread international support. The declaration adopted at the summit meeting of Non-Aligned Countries at Belgrade in September 1989 called for a just and peaceful solution to the problem based on the principles of the Charter and the various United Nations resolutions. It had also supported the call reiterated by the General Assembly and the Security Council on several occasions for the Secretary-General to continue with his good-offices mission and appealed to all parties involved to co-operate fully with the Secretary-General in a constructive spirit.

64. Guaranteeing the national sovereignty, independence, territorial integrity and unity of a State were fundamental prerequisites for a people to exercise fully their human rights and fundamental freedoms. He recalled that, in its resolution 1987/50, the Commission had called for the restoration of and respect for the human rights and fundamental freedoms of all Cypriots, including the freedom of movement, the freedom of settlement and the right to property. That resolution had also reiterated the previous call by the Commission for the full restoration of all human rights to the population of Cyprus and, in particular, to the refugees.

65. Unfortunately, neither the general situation nor the specific human rights question in Cyprus had changed for the better. While the mandate given to the Secretary-General to continue his good-offices mission still received the widest international support, conditions conducive to the fulfilment of that mission had unfortunately not been created.

66. In accordance with the relevant Security Council resolutions, his Government not only rejected any move that undermined the sovereignty, territorial integrity, unity and non-aligned status of Cyprus but also stressed that, without the strict observance of those principles, respect for the human rights and dignity of the people of Cyprus could not be ensured. It was high time that the entire international community, particularly the United Nations, redoubled its efforts to ensure the co-operation of the parties concerned in implementing all the relevant decisions of the Organization so that a just and lasting solution to the problem of Cyprus could be achieved.

67. Mr. Ditchev (Bulgaria) took the Chair.

68. Mr. LITTMAN (World Union for Progressive Judaism) said that there were so many cases of human rights violations around the world which deserved the Commission's attention under agenda sub-item 12 (b) that individual non-governmental organizations had to limit the scope of their statements to certain situations and associate themselves with those better qualified to speak on others.

69. A situation which particularly distressed him personally was that of the long-martyred Armenian people, currently suffering in and around its homeland in the Soviet Union; and he endorsed the appeal made to the Soviet authorities on their behalf by Human Rights Advocates.

70. One specific violation of an essential liberty, which might seem of small importance in comparison with so much affliction but was none the less crucial to civilization, was the death decree pronounced against the author Salman Rushdie, just over one year previously, by the Ayatollah Khomeini and recently reiterated by the speaker of the Iranian Parliament. Although the Commission, at its previous session, had contrived to remain silent on that issue, the Special Rapporteur on summary or arbitrary executions had courageously declared, in reference to that decree, that no one should be arbitrarily deprived of life without due process of law (E/CN.4/1990/22, para. 242). The Special Rapporteur had sent a cable to the Government of the Islamic Republic of Iran concerning the reported official death warrant or execution order and drawn its attention to the international obligations to which Iran was a party (paras. 241 and 242).

71. A reply received from the Government of the Islamic Republic of Iran to his cable stated that the Special Rapporteur's intervention in the case of Salman Rushdie's criminal offence against Islam and the world Muslim community was outside his mandate and thus unwarranted. The reply further stated that the declaration adopted by consensus at the 18th Islamic Conference of Foreign Ministers held in Riyadh, Saudi Arabia, from 13 to 16 March 1989, had proclaimed, in unambiguous terms, the apostasy of Salman Rushdie.

72. The Foreign Ministers of the Muslim States had indeed banned The Satanic Verses and declared its author an apostate, but they had not pronounced sentences of death upon either the author or his publishers. However, in view of the fact that that traditional Islamic law insisted that the punishment for an apostate should be death, the whole question was shrouded in ambiguity from a global Islamic standpoint and required further clarification for Muslims and for the international community as a whole.

73. As had been made very clear by Iranian representatives at previous sessions of the Commission and in the General Assembly, any decisions by international organizations which were contrary to Islam had no validity in the Islamic Republic of Iran.

74. A second year of silence and obfuscation, coming on the heels of a renewal of the death sentences, would indicate that the shift in norms was more than just subtle diplomatic wisdom and that Member States and observers and their respective Governments were willing to be pinned to the rack, even if they risked being for ever turned to scorn and derision on the stern wheel of history by the harsh verdict of historians from which there was no appeal or remedy.

75. In conclusion, he stressed the importance of freedom of opinion and expression, without which there was nothing but death and fear which would continue to stalk the streets in every land and haunt the United Nations, where, more than anywhere else in the world, the fear of speaking out, deciding upon, and condemning the abuses blatantly committed against fundamental freedoms should be forever banned.

76. Mr. AL-JADIR (Arab Organization for Human Rights) said that, in association with the Arab Lawyers' Union, his organization had launched a campaign in December 1988 for an Arab world free of prisoners of conscience. The campaign had been part of the celebrations held to mark the fortieth anniversary of the proclamation of the Universal Declaration of Human Rights.

77. The first report on the campaign had indicated that the phenomenon of prisoners of conscience was one of the most widespread violations of human rights and that no Arab Government was exempt therefrom. Citizens of Arab countries were detained in prisons and tortured because of their political opinions or because of their membership of political parties. Some such persons had been detained for more than 20 years without being brought to trial.

78. His organization had prepared a special file on the prisoners of conscience in each country and on legislation relating to freedom of opinion and expression in the Arab world. In some Arab countries, there were more than 10,000 prisoners of conscience, the list being headed by Syria in terms of the number of prisoners and the length of detention periods.

79. The campaign had included the collection of signatures for the release of all prisoners of conscience. Most of the signatures had been collected in Egypt, Kuwait and Tunisia, which showed the degree of freedom existing in those countries, whereas no signatures at all had been obtained from Iraq, Saudi Arabia, Somalia, Sudan or Syria.

80. According to the report, some Arab countries had not yet acceded to international instruments such as the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

81. With regard to the right to life, the report provided details on extensive arbitrary killings in Iraq, Lebanon, Mauritania, Somalia and Sudan. General Aoun's faction had killed more Christian Arabs than all the other military factions put together.

82. During the past year, some positive events had taken place in Jordan. The Government had lifted press censorship and rescinded its decision to ban the writers' association. Elections had been held and the opposition had won half the seats in the lower house. In Algeria, the Parliament had enacted a bill authorizing political pluralism, and more than 10 political parties had been granted official recognition. In Democratic Yemen, the ruling party had approved political pluralism and announced the establishment of the first legal opposition party.

83. In Egypt, the resignation of the Minister of the Interior in response to the wishes of the people was a positive development, since it was during his term of office that the largest number of persons had been detained and subjected to torture. Political refugees had been extradited despite the fact that Egypt had always respected the right of asylum and granted asylum to many African Arab politicans.

84. In Tunisia, the National Assembly had approved a general amnesty covering 5,416 detainees. The Tunisian Government had also agreed to host the Arab Human Rights Institute established by his organization, the Arab Lawyers' Union and the Tunisian League for Human Rights in co-operation with the United Nations Centre for Human Rights. At the most recent session of the General Assembly, the President of Tunisia had announced the setting up of the Institute.

85. The first course to be given by the Institute would cover the protection of human rights, including lectures on human rights in international and regional human rights instruments and the experiences of some intergovernmental and non-governmental organizations.

86. There were still more than 100,000 persons being held prisoner who had been captured during the Iran-Iraqi war despite the fact that hostilities had ceased more than one year previously. Some of them had been detained for more than a decade. Some of the detainees were very young and some were suffering from physical and mental ailments. His organization called on the Commission to secure their immediate release so that they could return to their families, universities, and places of work and once again become useful citizens in their countries.

87. Mrs. Quisumbing (Philippines) resumed the Chair.

88. Mr. WUER Kaixi (International Federation of Human Rights) said that according to official Chinese sources, 6,000 persons had been arrested since the events of June 1989. However, the total number of arrests regularly reported by the Chinese media, including local radio broadcasts, contradicted the Government figures.... .

89. Mr. CHEN Shiqiu (China), speaking on a point of order, said that the person speaking, at the instigation of the International Federation of Human Rights, was a criminal who was wanted by the Chinese security organs. He was acting as a tool of anti-Chinese forces abroad, and that was totally unacceptable to the Chinese Government. It was quite unacceptable that such a person should make a statement to the Commission and his delegation rejected out of hand the contents of the statement.

90. The CHAIRMAN said that the organization to which she had given the floor was a fully accredited non-governmental organization in consultative status with the Economic and Social Council. The credentials of the speaker in question had been verified and he was a duly accredited member of that organization. She therefore invited him to continue his statement.

91. Mr. WUER Kaixi (International Federation of Human Rights) said that, whereas 8,519 arrests had been announced by the official media between 1 May and 17 July 1989, other reports indicated that the figure was an underestimate. For example, the local radio in Yunnan province had reported in August 1989 that 15,900 "criminals" had been arrested in the region within a period of four months. It appeared that the Chinese Government had decided to announce only so-called exemplary arrests in the course of a campaign which had become a veritable purge in some regions. Accordingly, the announcement in January 1990 of the release of 573 political prisoners, whose names and dates of release had not been specified, seemed to be totally insignificant.

92. A number of the persons arrested since June 1989 had been charged with vandalism, the destruction of public property and even with the assassination of police officers or soldiers. However, the vast majority had been charged with counter-revolutionary activities or, in other words, having expressed ideas contrary to the official ideology. To his knowledge, one of the heaviest sentences handed down for a "major ideological offence" concerned three men in their twenties who had been arrested in May 1989 for throwing paint at a giant portrait of Mao Zedong in Tiananmen Square. After having been charged with making anti-Government banners and giving counter-revolutionary speeches, they had been sentenced to prison terms ranging from 16 years to life.

93. He drew attention to the case of Ren Wanding, founder of the Chinese League for Human Rights, who had been arrested in 1979 for having played a leading role in the Democracy Wall Movement, and sentenced to four years in a labour camp. He had then been arrested again in June 1989. The whereabouts of Ren Wanding and the conditions under which he was being held were unknown.

94. Legislation adopted in 1983 had instituted the practice of "fast trials" of alleged counter-revolutionaries. Arrests, trials and, in the event of a death sentence, executions, all took place within a matter of days. Trials were held in a closed courtroom. The accused had no access to defence counsel and no right to receive visits from relatives, before or after the trial.

95. Many eyewitness reports attested to the beatings of persons held in custody. The Chief of Police and Vice-Mayor of Beijing had admitted the use of "unauthorized methods" by police during the suppression of the 1989 uprising, specifically the "airplane", a form of torture favoured by the Red Guards during the Cultural Revolution. That constituted a flagrant violation of article 5 of the Universal Declaration of Human Rights.

96. The mere charge of hooliganism could incur a death sentence. In November 1989, the Sichuan provincial radio had announced that six persons had been sentenced to death. Three of them, who had been charged with smashing, looting and arson during the June demonstrations, had been executed.

97. In January 1990, the Chinese Government had announced the lifting of martial law in Beijing and assured the international community that the situation in the capital had returned to normal. However, immediately after the departure of the martial law troops, some 10,000 plain clothes police had replaced them. The military contingent, some 30,000 strong, was posted in towns close to Beijing, ready to intervene in the event of a serious crisis.

98. Despite the repression, underground resistance networks were still trying to organize in the major cities of China. The measures taken in Beijing after the lifting of martial law were nothing but an attempt to dismantle that type of organization. He called upon the Commission to continue to monitor closely the human rights situation in China.

99. Mr. GRAVES (International Commission of Health Professionals for Health and Human Rights) said that his organization was concerned at the human rights aspects of the use of chemical weapons. An allegation had recently been received concerning the introduction of chemical substances into the bread distributed to Iraqi Kurds in Turkish refugee camps. In August 1988, after

the end of the Iran-Iraq war, there had been a mass exodus of Kurds from northern Iraq. In order to escape chemical bombings by the Iraqis, the Kurds had fled into neighbouring Turkey, where they had been placed in camps by the Turkish Government.

100. An independent journalist, Mr. Gwynn Roberts, had reported that in June 1989, some 2,000 Kurds had suddenly and mysteriously fallen ill at an Iraqi refugee camp in south-eastern Turkey. The victims had suffered from acute abdominal pain, paralysis, convulsions, vomiting and diarrhoea. They were convinced that they had been victims of another mass poisoning by the Iraqis. Mr. Roberts had travelled to the region with a doctor from London and brought back samples for analysis. Four United Kingdom laboratories had been involved in the search, including the National Poisons Unit. After six weeks, nothing had been found in either the camp bread or the blood samples.

101. Mr. Roberts had then, as a last resort, instructed the National Poisons Unit to test the blood samples for organo-phosphates, nerve agents common to pesticides and poison gas. A toxicological report had been received recently from another Poisons Unit, concluding that the poisoning of the bread had indeed been due to toxic organo-phosphates.

102. Although there was no proof as to who had instigated the poisoning, he reminded the Commission that the Iraqi Government had, in the past, used chemical warfare agents against its Kurdish population. Accordingly, the burden was upon Iraq to prove that it had not poisoned the bread.

103. He requested the Commission to ask the Secretary-General to send a team of scientific experts to conduct an investigation in the camps and interview the Kurds residing there with a view to locating those responsible for the poisoning. He also requested the Turkish Government to allow the United Nations High Commissioner for Refugees to carry out his mandate among the displaced Kurdish populations and called upon the Iraqi Government to refrain from the systematic persecution of Kurds, both inside and outside Iraqi territory.

104. Mr. BALIAN (Human Rights Advocates) said that significant steps had been taken in the Soviet Union for the protection and further promotion of human rights and fundamental freedoms and his organization appreciated the comments made by the representative of that country at a previous meeting concerning an expanded role for the Soviet Union in the human rights monitoring mechanisms.

105. In that connection, he wished to draw attention to the human rights consequences of the explosive nationalities question in the Soviet Union. He was deeply concerned that the recent outbreak of violence in Azerbaijan was merely the tip of the iceberg, and that, in the future, such flare-ups would multiply unless the problem was given due consideration and a process leading to the peaceful resolution of such conflicts was initiated.

106. He hoped that the Commission and other competent United Nations bodies would co-operate with the Government of the Soviet Union, to find such a solution, thus preventing further violations of human rights in the Soviet Republics of Azerbaijan, Armenia and the autonomous province of Nagorno-Karabagh.

107. Reviewing the events in Nagorno-Karabagh since early 1988, he said that the Armenian majority in that area, after decades of addressing futile petitions to the Azerbaijan Government for redress of its grievances, had concluded that its only effective remedy was to exercise its right of self-determination through a transfer from Soviet Azerbaijani to Soviet Armenian jurisdiction.

108. Azerbaijan had responded with violence. Anti-Armenian violence amounting to massacres had taken place in February 1988 in Sumgait and in November 1988 in Kirovabad. The outcome had been a massive transfer of populations between the Soviet Republics of Azerbaijan and Armenia, creating a refugee crisis.

109. After the 1988 pogroms, despite trials of some Azeris for common crimes and the dismissal of a number of Government officials, those responsible had not been charged with the more severe provisions of Soviet criminal law regarding crimes motivated by race or national origin.

110. Predictably, therefore, in January 1990, Azerbaijani mobs, aroused and encouraged by the official leadership of the Republic as well as the Popular Front, had massacred some members of the Armenian minority in Baku and expelled the rest, while attempting to drive Armenians out of the Nagorno-Karabagh enclave. Although Soviet troops had eventually entered Baku, the situation in Azerbaijan was still chaotic. Armenian villages were still being attacked by armed Azeris, and the anti-Armenian violence had spread to other Soviet Republics.

111. It was imperative to assess correctly the violence in Azerbaijan and to seek a viable solution to the underlying problem, namely, the status of Nagorno-Karabagh. Otherwise, the democratic process in the Soviet Union might be seriously jeopardized.

112. First of all, there had to be a complete re-evaluation of the official characterization of the events in the region, namely, that they had been fomented by organized crime figures, special interest groups or other fringe members of Soviet society. Such an analysis skirted the fundamental problem, namely, the existence of an intransigent Azerbaijani leadership, bent on creating a pan-Turkic State, sabotaging perestroika and glasnost in the process, and on settling the conflict by chasing the Armenians out of the region. In the light of the Azeri Popular Front's call for a "totalitarian USSR", it was absurd for Soviet officials to continue to accuse the Armenian victims of endangering the democratic process in the Soviet Union.

113. He urged the Commission, therefore, and the international human rights community in general to appeal to the Soviet authorities to take the necessary steps to ensure the thorough investigation, arrest and punishment of all persons guilty of anti-Armenian outrages, to guarantee the security and freedom of all peoples in the region and to put an immediate end to the economic blockade of Armenia and Nagorno-Karabagh.

114. Next, it was necessary to initiate a credible process whereby a viable solution to the Nagorno-Karabagh problem could be found. Nagorno-Karabagh should be immediately removed from Azerbaijani jurisdiction and placed temporarily under the jurisdiction of the central Government. Subsequently, in co-operation with the Commission and other competent United Nations bodies, a process should begin by which the future of Nagorno-Karabagh could be determined once and for all and conditions could be created for the restoration of human rights in the region.

The meeting rose at 1 p.m.